Kaplan 316

REMARKS

The Examiner noted that the specification needs to be amended to include a reference to the fact that this is a continuation application, and to specify that the patent application of which this is a continuation is now an issued patent. This amendment is effected herein.

Claim 19 is amended to correct a grammatical error, and the non-elected claims are withdrawn without prejudice.

Claims 1-8, 11, 12, and 14-20 were rejected under 35 USC 103 as being unpatentable over Grewal et al, US Patent 4,689,815 in view of Muir et al, US Patent 6,661,882. Applicant respectfully traverses.

Grewal et al describe a system that includes hunt groups which, in turn, include members, and the objective is to find an idle group member. Each hunt group has a control unit, and the search for an idle group member proceeds, according to the Examiner, as follows:

> a first control unit accesses its hunt data in response to the call to determine whether any port of the hunt group is idle. [Presumably, an idle hunt group port corresponds to an idle group member.] If the first control unit does not find an idle port, it transmits a message defining the call to a second control unit. (Examiner's description at page 5, lines 4-7)

Thus, in the Grewal et al reference the message is sent to a first group control unit and, if necessary (because the first control unit has no idle members), through the first control unit to the second control unit, and similarly daisy-chains to subsequent control units.

In contradistinction, the first step of claim 1 specifies

> sending a message to said end point terminals, specifying a response criterion, requesting idle end point terminals that meet said response criterion to respond

This means (a) that a message is sent to end point terminals (in the plural), and (b) that the message requests a response from **all** terminals that meet the necessary specified contidions, and (c) demands two attributes from a responding terminal: (1) that it is idle, and (2) that it meets the specified response criterion. Relative to limitation (a) it is clear that the Grewal et al reference does NOT send a message to an **end point** terminal (but to a control unit), and does not send a message to end point terminals – in the plural (but

PAGE 9/11 * RCVD AT 4/13/2007 8:42:06 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/33 * DNIS:2738300 * CSID:9734676589 * DURATION (mm-ss):04-34

only to the first control unit). In other words, the Grewal et al reference fails to meet limitation (a) above on two counts.

As for limitation (b), the Examiner has not even asserted that the control unit that has an idle member responds to the message, but even assuming that it does, it is clear that only one of the control units will respond, and not all of the control units that have idle members. Therefore, limitation (b) is not taught by Grewal et al.

As for limitations (c)(1) and (c)(2), the Examiner does not assert that Grewal et al teaches this limitation, but asserts that the Muir et al reference does. The Muir et al reference teaches that the message includes and ANI field, and that the NICR uses the ANI to determine where to route the call. As expressed by the Examiner:

> The NICR uses the ANI field to determine which DNIS will be used at each site to route the call type to the appropriate split/skill. (Examiner's remarks at page 6, lines 809)

Apparently the Examiner views this as a teaching that only terminals of the right "split/skill" are the ones that meet the criterion and are able to respond, thereby coming close to matching the limitation in the first step of claim 1.

Respectfully, that is not what limitation (c) specifies. Putting it in terms most like the terms in applicant's claim, Muir et al teaches establishing a call to a terminal of a group of terminals that match the criterion in a message. That, however, is not a teaching of a response from all of the terminals that match the criterion of the message, which is what limitations (b) and (c) specify. Therefore, it is respectfully submitted that there are at least four reasons to hold that claims 1 is not obvious in view of the Grewal et al and Muir et al combination of references (and even one of those reasons would suffice).

Additionally, claim 1 specifies the steps of receiving the responses from the qualifying terminals, selecting one of the responses, modifying the criterion, and returning to the step of sending a message. Respectfully, the combination of Grewal et al and Muir et al has nothing that corresponds to any of these steps, and even the Examiner has not asserted that it does. Therefore, it is respectfully submitted again that claims 1 is not obvious in view of the Grewal et al and Muir et al combination of references.

Claims 2-8, 11, 12, and 14-18 depend on claim 1, and consequently, applicant respectfully submits that these claims are also not obvious in view of the Grewal et al and Muir et al combination of references.

PAGE 10/11 * RCVD AT 4/13/2007 8:42:06 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/33 * DNIS:2738300 * CSID:9734676589 * DURATION (mm-ss):04-34

Kaplan 316

The Examiner provided no remarks relative to the additional limitations of the above claims, and applicants believe that **most if not all** of them contain limitations that are not found in either of the references cited by the Examiner. If the Examiner disagrees, the Examiner is respectfully invited to explain the basis for the rejections in the next Office action, which it is hoped will NOT be a FINAL rejection so that applicant can consider the Examiner's reasoning and have the opportunity as a matter of right to amend the offending claims, if necessary.

Claim 19 is independent. It specifies that a switching apparatus specifies a range of a selected parameter associated with end point terminals, and requests a response from all of those terminals that are included within the range. No such step is described in either of the references. The Grewal et al references simply asks for identification of an idle terminal, and the Muir et al reference simply requests that a call should be routed to a terminal that belongs to a specified split/skill (the split/skill being effectively defined by the ANI). There is no range involved, and there is no response from a plurality of terminals involved. Claim 19 also has a step of iteratively reducing the range. Neither of the references has any iterative steps at all. Therefore, it is respectfully submitted that claim 19 is not obvious in view of the Grewal et al and Muir et al combination of references, and the same holds true relative to claim 20, which depends on claim 19 and is directed to the iterations step.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited.

Respectfully,
Alan E Kaplan

Dated: 4/14/07

By _____
Henry T. Brendzel
Reg. No 26,844
Phone (973) 467-2025
Fax (973) 467-6589
email brendzel@comcast.net

PAGE 11/11 * RCVD AT 4/13/2007 8:42:06 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/33 * DNIS:2738300 * CSID:9734676589 * DURATION (mm-ss):04-34